

## COLUMBIA POLICE DEPARTMENT

## Policy and Procedure Manual

TEMPORARY CUSTODY OF JUVENILES

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**Approved By:** Kenneth Burton Chief of Police

**CALEA 6<sup>th</sup> Edition Standard:**

## 324 TEMPORARY CUSTODY OF JUVENILES

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements consistent with the Juvenile Justice and Delinquency Prevention Act for the custody and disposition of juveniles taken into custody by members of the Columbia Police Department. This policy describes steps to keep juveniles safe when it is necessary to transport juveniles or temporarily hold them at the Columbia Police Department (42 USC § 5633).

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile offender** - A juvenile 16 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense).

**Juvenile non-offender** - An abused, neglected, or dependent youth who may legally be held for his/her own safety or welfare.

**Juvenile officer** - Any person the court has authorized to exercise the certain powers pertaining to juveniles, including deputy juvenile officers.

**Non-secure custody** - The status of a juvenile who is under direct personal supervision of a member. Direct Personal supervision requires the member to be present with the juvenile or immediately accessible to the juvenile. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object or placed in a locked holding room or cell.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation that would not be a criminal violation if not for the age of the offender (e.g., running away, underage drinking, under age possession of alcohol or tobacco, curfew violation, truancy). Juveniles taken into custody on a court order or warrant issued for a status offense qualify as a status offender.

### 324.2 POLICY

It is the policy of the Columbia Police Department to protect juveniles when it is legal and appropriate by removing them from environments that endanger their health or welfare. The Department also will promote public safety by taking custody of juveniles who have violated the law.

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### **324.3 AUTHORITY TO TAKE CUSTODY**

Officers shall only take custody of a juvenile when they have the legal authority to do so and there is no lawful, practicable alternative to custody. Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult as soon as practicable, unless the juvenile's immediate welfare or the protection of the community requires that the juvenile be transferred to other authorities.

#### **324.3.1 CUSTODY OF NON-OFFENDERS**

Juvenile non-offenders should be taken into custody and held at the Columbia Police Department when authorized by the law, in compliance with the Child Abuse Reporting Policy.

#### **324.3.2 STATUS OFFENDERS**

Status offenders may be taken into custody and transported to the Columbia Police Department or other appropriate authority if the circumstances support the custody as a non-offender due to potential for harm to the juvenile. Officers may also take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (example, transported home or to the station to await a parent).

Custody requires consultation with a juvenile officer or designee. This custody may apply to juveniles who have committed status offenses.

An officer who takes custody of a juvenile for a status offense shall complete a report. Such reports shall be forwarded to the juvenile officer as soon as practicable but no later than five days following the release of the juvenile.

#### **324.3.3 JUVENILE OFFENDER**

An officer taking a juvenile offender into custody shall immediately notify a juvenile officer and make a reasonable attempt to notify the juvenile's parents, guardian or custodian (Sup. Ct. Rule 127.02).

The officer shall release the juvenile offender immediately to his/her parent, guardian, custodian or any other suitable person unless transfer to a juvenile detention facility is authorized by a juvenile officer.

Juvenile officers make a determination based upon whether a substantial reason exists for transferring a juvenile offender to a juvenile detention facility (Sup. Ct. Rule 127.02; § 211.141, RSMo).

If a juvenile officer authorizes detention in a facility, the officer taking the juvenile into custody shall submit to the juvenile officer as soon as practicable, but no later than 12 hours after taking the juvenile into custody, a written report that includes the facts and circumstances that caused the officer to believe the juvenile qualified as a juvenile offender and the reasons he/she was placed in custody and not released (§ 211.031,

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RSMo; Sup. Ct. Rule 127.02). In most every case this initial report should be the Probable Cause Statement provided to the staff at the detention facility upon transfer of custody.

If the juvenile is not released and detention is ordered or authorized, the juvenile shall be immediately taken to a juvenile detention facility.

In cases where a juvenile is taken into custody but later released to a parent, guardian, custodian or other suitable person, the officer should notify the appropriate adult (i.e., parent, guardian, custodian) prior to the interview or interrogation and will respect a juvenile's desire to speak with an appropriate adult prior to questioning.

#### **324.4 CONSTITUTIONAL RIGHTS ADVISEMENT**

Officers should not attempt to interview or interrogate a juvenile offender or status offender who is in custody without the presence of a juvenile officer. The juvenile officer or authorized designee will advise the juvenile of his/her rights (§ 211.059, RSMo; Sup. Ct. Rule 126.01. Officers should notify the appropriate adult (i.e., parent, guardian, and custodian) prior to the interview or interrogation and will respect a juvenile's desire to speak with an appropriate adult prior to questioning.

The officer shall cease questioning if the juvenile indicates in any manner and at any stage of questioning that he/she does not wish to be questioned further.

#### **324.5 JUVENILE CUSTODY FORMS**

The appropriate forms for documenting the custody of juveniles, as required by the court or statute, shall be completed. Additionally, appropriate forms shall be used to document, at a minimum, the:

1. Juvenile's identifying information.
2. Date and time of the juvenile's arrival and release from the Columbia Police Department.
3. Verification of Watch Commander notification.
4. Classification of the juvenile as a juvenile offender, status offender, or non-offender.
5. Log for welfare checks and change in status for each juvenile.
6. Medical and other screening completed for each juvenile.

##### **324.5.1 NOTIFICATION AND DOCUMENTATION**

The officer taking custody of a juvenile shall notify the Watch Commander when a juvenile is held at this department. All members monitoring juveniles in custody at the Department are required to complete and maintain the appropriate documentation including screening forms and logs.

#### **324.6 NO-CONTACT REQUIREMENTS**

Juvenile no-contact requirements include:

1. Sight and sound separation between all juveniles and adults in custody (42 USC § 5633).

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2. Sight and sound separation between non-offenders and juvenile and status offenders.

#### **324.7 RULES APPLICABLE TO JUVENILES IN CUSTODY**

Members and supervisors assigned to monitor or process a juvenile at the Columbia Police Department shall ensure the following:

1. No juvenile should be held at the Columbia Police Department longer than four hours or what is reasonably necessary under the circumstances. The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Columbia Police Department more than four hours. The Watch Commander shall ensure no juvenile is held at the Columbia Police Department longer than six hours.
2. Checks on the juvenile and significant incidents and activities involving the juvenile will be noted in the report.
3. The juvenile shall have privacy during family, guardian and/or lawyer visits as required by law.
4. The juvenile shall have the same privileges as an in-custody adult regarding use of restroom facilities, food and water.
5. The legal and civil rights shall be the same as that of an adult in custody.
6. A juvenile offender will be held in non-secure custody while at the Columbia Police Department unless another form of custody is authorized by this policy or necessary due to exigent circumstances.

#### **324.7.1 RULES APPLICABLE TO JUVENILES IN NON-SECURE CUSTODY**

A juvenile in non-secure custody shall:

1. Be informed by the monitoring member that he/she will be monitored at all times unless using the toilet. This does not apply to surreptitious and legally-obtained recorded interrogations.
2. Not be monitored when in need of privacy due to changing clothes or using the restroom. However, the monitoring member will be available to intervene within 60 seconds should a problem or medical emergency arise.

#### **324.8 PHYSICAL AND MENTAL HEALTH-RELATED ISSUES**

##### **324.8.1 JUVENILES INAPPROPRIATE FOR CUSTODY AT THE COLUMBIA POLICE DEPARTMENT**

Officers should not hold any juvenile at the Columbia Police Department who is unconscious, seriously injured, is a suicide risk or severely emotionally disturbed, or extremely or continuously violent. A juvenile who is so violent that leg restraints are applied is disqualified for custody at the Columbia Police Department.

Officers taking custody of a juvenile who exhibits any of these conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation.

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Juveniles who have recently been deemed inappropriate for custody will not be held at the Columbia Police Department unless or until they have been subsequently approved for further processing at the Columbia Police Department by a qualified medical and/or mental health professional.

#### **324.8.2 INTOXICATED AND SUBSTANCE ABUSING MINORS**

A medical clearance shall be obtained prior to holding a juvenile at the Columbia Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have recently ingested any substance that:

1. Is illegal to possess.
2. Would require a prescription from a medical professional.
3. Is a legal drug, but was taken in excess.
4. Is not safe for ingestion (i.e., sniffing toluene or other harmful vapors) or is reasonably believed to present an immediate health risk.

A medical clearance is required when there is reason to suspect a juvenile has concealed drugs or other items in a body cavity. An intoxicated juvenile who has been medically cleared for further processing but whose symptoms do not abate or decrease should be taken for additional medical clearance.

#### **324.8.3 SUICIDE PREVENTION**

Department members should be alert to symptoms, behavior or other indicators that the juvenile may be a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody.

The juvenile should be transported to a designated medical facility to ensure an appropriate mental health evaluation is conducted. The juvenile shall be under constant non-secure custody while he/she remains in department custody.

#### **324.10 PERSONAL PROPERTY OF JUVENILE OFFENDERS**

The officer taking custody of a juvenile offender or status offender shall ensure a thorough search of the juvenile is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts. A juvenile shall be searched by a member of the same sex absent exigent circumstances to do otherwise.

The personal property of a juvenile should be placed in a property bag. The property shall be inventoried in the juvenile's presence and placed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Columbia Police Department.

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### **324.11 SECURE CUSTODY**

#### **324.11.1 DEFINITION OF SECURE CUSTODY**

Secure custody occurs when a juvenile offender is held in a locked room, set of rooms, or a cell at the Columbia Police Department. Secure custody includes being physically secured to a stationary object. Secure custody shall only be used for juvenile offenders. Status offenders or non-offenders shall not be placed in secure custody.

Additional examples of secure custody include:

1. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
2. A juvenile handcuffed to a rail, ring, or other permanent object in an otherwise non-secure area.
3. A juvenile left alone in a secure booking area after being photographed and fingerprinted.
4. A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

#### **324.11.2 WHEN SECURE CUSTODY IS APPROPRIATE**

Only juvenile offenders 14-years of age or older may be placed in secure custody and only when exigent or other significant circumstances justify such placement. Supervisor authorization is required before placing a juvenile offender in secure custody.

An unusual number of juvenile offenders in custody at the same time may qualify as a specific circumstance that would justify the placement of a juvenile offender into secure custody. Members of this department should not use secure custody for convenience when non-secure custody is a reasonable option.

Handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be the method of secure custody, rather than the use of a locked enclosure, when practicable.

#### **324.11.3 MANDATES FOR USE OF LOCKED ENCLOSURES**

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure, such as a room or a cell:

1. Juveniles shall have constant auditory access to department members.
2. Initial placement into a locked enclosure shall be logged.
3. Unscheduled personal visual supervision of the juvenile by department staff shall occur at least every 15 minutes.
4. All checks shall be documented.
  - a. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - b. Requests or concerns of the juvenile should be documented.

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5. Males and females shall not be placed in the same locked room unless under direct visual supervision.
6. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **324.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

Department members shall take fingerprints and photographs of a juvenile offender taken into custody for an offense that would be considered a felony if committed by an adult or otherwise authorized by court order (§ 211.151, RSMo).

#### **324.14 CONTACTING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile who is not in custody should occur unless it is conducted in accordance with the procedural directions from the Juvenile Court including:

1. Conducted in a friendly environment such as the Juvenile Office.
2. Conducted in the presence of a Deputy Juvenile Officer.
3. Conducted in the presence of a parent, guardian or designated adult unless appropriately waived.